

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BYRON EWING,)
)
Petitioner,)
)
v.) Case No. 4:13-CV-1757 NAB
)
TROY STEELE,)
)
Respondent.)

MEMORANDUM AND ORDER

This closed matter is before the Court on Petitioner's "Motion for Extension of Time to File Written Objections to Magistrate's Memorandum and Order Denying Habeas Relief." [Doc. 25.] The parties consented to the jurisdiction of the undersigned United States Magistrate Judge on November 14, 2013. [Doc. 13.]

On September 28, 2016 the Court dismissed Petitioner's petition for writ of habeas corpus. [Docs. 23, 24.] The case is now closed. On October 11, 2016, Petitioner filed a motion for additional time to file objections to the Court's Memorandum and Order and Judgment. [Doc. 25.] Generally, a party who has validly consented to proceed before a magistrate judge pursuant to 28 U.S.C. § 636(c) has waived the right to proceed before a district court judge. *United States v. Neville*, 985 F.2d 992, 1000 (9th Cir. 1993). Because the parties have consented to the undersigned's jurisdiction, there is no opportunity to file objections to the Court's orders. *See Finley v. Nixon*, No. 4:06-CV-1013 TIA, 2012 WL 27931 at *1 (E.D. Mo. Jan. 5, 2012) (denial of motion for district court review of magistrate judge order in habeas case where both parties consented to court's jurisdiction pursuant to 28 U.S.C. § 636(c)), *Boyd v. Moore*, No. 4:04-CV-1791 AGF, 2008 WL 5412267 at *1 (E.D. Mo. Dec. 24, 2008) (same).

This case is not a case referred from a district court judge to a magistrate judge, where the magistrate judge rules on non-dispositive motions and prepares a report and recommendation to the

district court pursuant to 28 U.S.C. § 636(b). This case was originally assigned to the undersigned by random assignment pursuant to Local Rule 2.08. E.D.Mo. L.R. 2.08. Both parties consented to the Court's jurisdiction, pursuant to 28 U.S.C. § 636(c) and have therefore waived the right to appear before a district court judge or file any objections to this Court's rulings prior to final judgment. Petitioner should refer to the correspondence from the Court regarding procedures for filing an appeal, sent contemporaneously with this Order, to proceed in any further action regarding this case.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's "Motion for Extension of Time to File Written Objections to Magistrate's Memorandum and Order Denying Habeas Relief" is **DENIED**. [Doc. 25.]

IT IS FURTHER ORDERED that the Clerk of Court shall provide Petitioner with a copy of the docket sheet in this case and a copy of the consents filed by the parties. [Doc. 13.]

Dated this 13th day of October, 2016.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE